IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

WEDNESDAY, THE 24TH OCTOBER 2007 / 2ND KARTHIKA 1929

WP(C).No. 22684 of 2007(A)

PETITIONER:

THE EZHUPUNNA NORTH COIR CO-OPERATIVE SOCIETY LTD., ERAMLLORE P.O., EZHUPUNNA, CHERTHALA, ALAPPUZHA DISTRICT, REPRESENTED BY ITS SECRETARY.

BY ADV. SRI.JOSE ABRAHAM
SRI.ANIL THOMAS (MELEMALAYIL)

RESPONDENTS:
----

1. **THE COIR PROJECT OFFICER, ALAPPUZHA, OFFICE OF THE COIR PROJECT OFFICE, ALAPPUZHA DISTRICT.**

2. **THE COIR INSPECTOR, THURAVOOR, OFFICE OF THE COIR INSPECTOR, THURAVOOR, CHERTHALA, ALAPPUZHA DISTRICT.**

3. **THE REGISTRAR OF CO-OPERATIVE SOCIETIES, GOVERNMENT OF KERALA, STATE SECRETARIAT, THIRUVANANTHAPURAM.**

4. **STATE OF KERALA, REPRESENTED BY THE SECRETARY TO THE DEPARTMENT OF CO-OPERATION, STATE SECRETARIAT, THIRUVANANTHAPURAM.**

5. **K.S.PARAMESWARAN, EZHUPUNNA P.O., CHERTHALA, ALAPPUZHA DIST.**

R1 BY GOVERNMENT PLEADER SRI.P.K.RAVISANKAR
R5 BY ADV. SRI.P.SANTHOSH KUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 24/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONERS EXHIBITS:

EXT.P1: COPY OF THE RELEVANT EXTRACT OF THE MINUTES OF THE GENERAL BODY MEETING HELD ON 30.4.1989.

EXT.P2: COPY OF THE RELEVANT EXTRACT OF THE MINUITES OF THE MANAGING COMMITTEE MEETING HELD ON 5/7/2003.

EXT.P3: COPY OF THE COMPLAINT DATED 5.7.2003.

EXT.P4: COPY OF THE ORDER NO.B/1172/07 DATED 6/7/2007 PASSD BY THE 1ST RESPONDENT.

EXT.P5: COPY OF THE ORDER NO.CIT/243/07 DATED 16/7/2007 PASSED BY THE 2ND RESPONDENT.

RESPONDENTS EXHIBITS:

EXT.R5(a): COPY OF THE REPORT DT.31.5.2007 ISSUED BY THE SENIOR CO-OPERATIVE INSPECTOR.

EXT.R5(b): COPY OF THE COMPLAINT DT.16.4.2007 SUBMITTED BY THE MEMBERS OF THE SOCIETY.

EXT.R5(c): COPY OF THE EXTRACT OF THE BYELAWS OOF THE PETITIONERS SOCIETY.

TRUE COPY

P.A TO JUDGE

THOTTATHIL B.RADHAKRISHNAN,J

==========

W.P.(C).No.22684 of 2007

==========

Dated this the 24th day of October, 2007

JUDGMENT

The writ petitioner, a Co-operative society, challenges Exts.P4 and P5 by which restoration of membership of the 5th respondent has been ordered.

2. The counter affidavit of the official respondent proceeds on the basis that pursuant to the complaint of the 5th respondent, the officials visited the office of the Society and took the relevant documents in the presence of the Secretary, President and a member of the Committee, and that it was on the basis of those materials that Exts.P4 and P5 were issued.

3. However it is admitted that the Society was not informed of the reasons for the enquiry and no notice of hearing has been given.

4. If a member is removed from the membership of the society, that may lead to adjudication of his right to membership

and the removal itself would be a subject of that enquiry. The Society is therefore entitled to be told about the complaint of the 5th respondent. The stand of the Society has to be ascertained before the official respondents conclude on the issue. No such hearing having been done, Exts.P4 and P5 are set aside and the authority which issued Exts.P4 and P5 is directed to take a decision on the issue after hearing the petitioner Society, the 5th respondent and any other person entitled to be heard. The plea of the petitioner Society is that the said official respondent does not have the jurisdiction to entertain the complaint of the 5th respondent shall also be considered. A final decision shall be taken within an outer limit of two months from the date of receipt of a copy of this judgment.

The writ petition is disposed of accordingly.

THOTTATHIL B.RADHAKRISHNAN, JUDGE

dvs